D.B. CIVIL WRIT PETITION(PIL)NO.283/2006

Heera Ram
Vs.
State & Ors.

Date of Order :: 09-10-2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri I.S. Pareek, for the petitioner.
Shri Rameshwar Dave, for State.

This writ petition has been filed as a public interest litigation to make functional a tube well dug at Rajaniyon Ki Dhani within Gram Panchayat Fateh Sagar, Tehsil Phalodi of the Jodhpur District. It is said that the tube well is not able to functional because it has not been provided with electric motor and given connection.

In the reply the respondents have stated that the tube well was dug without any proposal under Swajal Dhara Yojana. No report of Hydrologist was obtained. The Chemical examiner's report regarding potability of water was also not obtained and without obtaining technical or financial sanction the Gram Panchayat Fatehsagar on its own got the tube well dug and made payment at its own level. As the tube well has been dug without technical sanction and without obtaining the report

of the Hydrologist, it is not possible to make it functional.

After hearing counsel for the parties, we are not inclined to pass any positive order as prayed for. The writ petition is dismissed.

The dismissal of the petition will not prevent the petitioner from approaching the authorities concerned in respect of the grievance.

[MOHAMMAD RAFIQ],J. [S.N.JHA],CJ.

Praveen